

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 31-CB-201581	Date Filed 6/28/2017

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name 1) International Alliance of Theatrical Stage Employees (IATSE) 2) IATSE, Local 871	b. Union Representative to contact Michael F. Miller (IATSE) Leslie Simon (Local 871)	
c. Address (Street, city, state, and ZIP code) 10045 Riverside Drive, Toluca Lake, CA 91602 (IATSE West Coast address) 4011 W. Magnolia Blvd., Burbank, CA 91505 (Local 871 address)	d. Tel. No. (818) 980-3499	e. Cell No.
	f. Fax No. (818) 980-3496	g. e-Mail leslie@ialocal871.org mmiller@iatse-intl.com
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

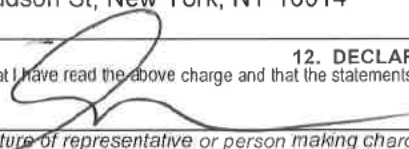
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six (6) months, the above named parties have refused to bargain in good faith as required by the Act, including but not limited to failing to provide and continuing to fail to provide information necessary for contract administration and/or grievance processing; and unreasonably delaying providing such information.

3. Name of Employer Radical Media, LLC	4a. Tel. No. (212) 462-1500	b. Cell No.
	c. Fax No.	d. e-Mail shannon@radicalmedia.com
5. Location of plant involved (street, city, state and ZIP code) 1620 12th St, Santa Monica, CA 90404		6. Employer representative to contact Cathy Shannon
7. Type of establishment (factory, mine, wholesaler, etc.) Commercial Production Company	8. Identify principal product or service Television Commercial	9. Number of workers employed 96
10. Full name of party filing charge Radical Media, LLC	11a. Tel. No. (212) 462-1500	b. Cell No.
	c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) 435 Hudson St, New York, NY 10014		

12. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By  Scott Witlin, Attorney
(signature of representative or person making charge) (Print/type name and title or office, if any)

Barnes & Thornburg, 2029 Century Park East, Suite 300,
Address Los Angeles, CA 90067

(date) 6/28/2017

Tel. No. (310) 284-3777
Cell No. (310) 936-7719
Fax No. (310) 284-3894
e-Mail scott.witlin@btlaw.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

SERVICE LIST

<u>Via E-File and E-Mail</u> Mori Rubin Regional Director National Labor Relations Board Region 31 11500 W Olympic Blvd Ste 600 Los Angeles, CA 90064-1753	<u>Via Overnight Mail</u> Michael F. Miller International Alliance of Theatrical Stage Employees 10045 Riverside Drive Toluca Lake, CA 91602
<u>Via Overnight Mail</u> Leslie Simon International Alliance of Theatrical Stage Employees Local 871 4011 W. Magnolia Blvd. Burbank, CA 91505	



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420



Download
NLRB
Mobile App

June 29, 2017

Michael Miller
International Alliance of Theatrical Stage Employees (IATSE)
10045 Riverside Dr
Toluca, CA 91502-

Leslie Simon, Business Representative
IATSE, Local 871
4011 W Magnolia Blvd
Burbank, CA 91505-2833

Re: International Alliance of Theatrical Stage
Employees & IATSE Local 871 (Radical
Media, LLC)
Case 31-CB-201581

Dear Mr. Miller and Ms. Simon:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Angelica Blanco whose telephone number is (310)307-7326. If this Board agent is not available, you may contact Supervisory Field Examiner Danielle Pierce whose telephone number is (310)307-7302.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as

possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

Mori Rubin
Regional Director

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420



Download
NLRB
Mobile App

June 29, 2017

Scott J. Witlin, Attorney
2029 Century Park East
Suite 300
Los Angeles, CA 90067

Re: International Alliance of Theatrical
Stage Employees & IATSE Local 871
(Radical Media, LLC)
Case 31-CB-201581

Dear Mr. Witlin:

The charge that you filed in this case on June 28, 2017 has been docketed as case number 31-CB-201581. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Angelica Blanco whose telephone number is (310)307-7326. If this Board agent is not available, you may contact Supervisory Field Examiner Danielle Pierce whose telephone number is (310)307-7302.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

June 29, 2017

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

Mori Rubin
Regional Director

cc: Radical Media, LLC
435 Hudson St.
New York, NY 10014-_____



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420



Download
NLRB
Mobile App

June 29, 2017

Cathy Shannon
Radical Media, LLC
1620 12th St
Santa Monica, CA 90404-3710

Re: International Alliance of Theatrical Stage
Employees & IATSE Local 871 (Radical
Media, LLC)
Case 31-CB-201581

Dear Ms. Shannon:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Angelica Blanco whose telephone number is (310)307-7326. If this Board agent is not available, you may contact Supervisory Field Examiner Danielle Pierce whose telephone number is (310)307-7302.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

June 29, 2017

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

Mori Rubin
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

31-CB-201581

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Radical Media, LLC;
Biscuit Filmworks, LLC

and

International Alliance of Theatrical Stage Employees;
IATSE Local 871

CASE 31-CB-201581
31-CB-201583

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

International Alliance of Theatrical Stage Employees

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Jacob J. White

MAILING ADDRESS: 10045 Riverside Drive
Toluca Lake, CA 91602

E-MAIL ADDRESS: jwhite@iatse.net

OFFICE TELEPHONE NUMBER: 818-980-34999

CELL PHONE NUMBER: _____ FAX: 818-980-3496

SIGNATURE: 

DATE: (Please sign in ink.) July 7, 2017

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlr.gov
Telephone: (310)235-7351
Fax: (310)235-7420

October 31, 2017

Scott J. Witlin, Esq.
Barnes & Thornburg LLP
2029 Century Park E Ste 300
Los Angeles, CA 90067

Minal Khan, Esq.
Barnes & Thornburg LLP
2029 Century Park E Ste 300
Los Angeles, CA 90067-2904

Re: International Alliance of Theatrical Stage
Employees & IATSE Local 871
(Radical Media, LLC)
Case 31-CB-201581

Dear Mr. Witlin and Ms. Khan:

We have carefully investigated and considered your charges that the International Alliance of Theatrical Stage Employees ("IATSE") and IATSE Local 871 ("Local 871") have violated the National Labor Relations Act.

Decision to Partially Dismiss: Based on that investigation, I have decided to dismiss portions of your charges as discussed below.

Charge 31-CB-201581 alleges that IATSE and Local 871 violated Section 8(b)(3) of the Act by refusing to bargain in good faith, including but not limited to failing to provide and continuing to fail to provide Radical Media, LLC ("Employer") with information necessary for contract administration and/or grievance processing; and unreasonably delaying providing such information.

I have concluded that further proceedings are unwarranted with respect to the allegations against Local 871. Section 8(b)(3) of the Act provides that it shall be an unfair labor practice for a labor organization or its agents to refuse to bargain collectively with an employer, provided that the labor organization "is the representative of his employees subject to the provisions of section 9(a)" of the Act. The investigation revealed that the IATSE –and not Local 871– is the Section 9(a) representative of the Employer's employees, with Local 871 being the representative of the IATSE for certain collective bargaining duties. Since Local 871 is not the Section 9(a) representative, it was not obligated to provide the requested information to the Employer.

With respect to items 4 and 8 of the information the Employer requested on February 18, 2016, the investigation revealed these items were not renewed in the Employer's June 9, 2017 information request and were not otherwise renewed within the Section 10(b) period. Pursuant to Section 10(b) of the Act, in order to be timely, an unfair labor practice charge must be filed and served within six months of the occurrence of the alleged unfair labor practice. The instant charge was not filed and served until June 28, 2017. Accordingly, because the charge was filed and served more than six months after the date the Employer requested items 4 and 8, these allegations are time-barred by Section 10(b) of the Act.

Item 4 of the information the Employer initially requested on July 22, 2016 and reiterated on June 9, 2017, seeks information that is not presumptively relevant. If a party requests information that is not presumptively relevant, the requesting party must state why the information is relevant. *See Associated Ready Mixed Concrete*, 318 NLRB 318, 318 (1995). The investigation revealed that the Employer failed to establish the relevance of the names of all employees interviewed by either the IATSE or local 871. Therefore, the IATSE was not obligated to provide the information.

With respect to item 14 of the information requested by the Employer on July 22, 2016 and reiterated on June 9, 2017, the investigation revealed that the IATSE sought an accommodation by proposing that the IATSE be allowed to examine the Employer's clients' records to gather the requested information. The Employer failed to respond to this request for an accommodation and otherwise failed to bargain over an accommodation. Therefore, the IATSE was not obligated to provide responsive information.

Based on the foregoing, I have concluded that further proceedings are unwarranted with respect to the allegations that the IATSE violated Section 8(b)(3) of the Act by failing to provide the Employer with the information responsive to items 4 and 8 of the initial February 18, 2016 information request and by failing to provide the Employer with information responsive to items 4 and 14 of the Employer's original July 22, 2016 information request.

All other portions of the charge remain subject to further processing.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **November 14, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 13, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 14, 2017**. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 14, 2017, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

International Alliance of Theatrical Stage
Employees & IATSE Local 871 (Radical
Media, LLC)
Case 31-CB-201581

- 4 -

Very truly yours,

A handwritten signature in black ink, appearing to read "Mori Rubin". The signature is fluid and cursive, with the first name "Mori" and last name "Rubin" clearly distinguishable.

MORI RUBIN
Regional Director

Enclosure

cc: Michael Miller
International Alliance Of Theatrical Stage
Employees (IATSE)
10045 Riverside Dr
Toluca, CA 91502-

Jacob White, West Coast Counsel
International Alliance of Theatrical Stage
Employees
10045 Riverside Drive
Toluca Lake, CA 91602-2543

Leslie Simon, Business Representative
IATSE, Local 871
4011 W Magnolia Blvd
Burbank, CA 91505-2833

Cathy Shannon
RADICAL MEDIA, LLC
1620 12th St
Santa Monica, CA 90404-3710

Radical Media, LLC
435 Hudson St.
New York, NY 10014

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

June 5, 2018

SCOTT J. WITLIN, ESQ.
BARNES & THORNBURG LLP
2029 CENTURY PARK E STE 300
LOS ANGELES, CA 90067

Re: International Alliance of Theatrical Stage
Employees & IATSE Local 871 (Radical
Media, LLC)
Case 31-CB-201581

Dear Mr. Witlin:

This office has carefully considered your appeal. The appeal is sustained in part. We concluded that the International Alliance of Theatrical Stage Employees (IATSE) arguably violated Section 8(b)(3) of the Act by failing to provide Radical Media, LLC (Employer) with information requested in Item 4 of the Employer's January 22, 2016 and June 9, 2017 requests for information. We are remanding the case to the Regional Director for further action concerning this portion of the charge. Absent settlement, the Regional Director will issue a complaint and an administrative law judge will hold a hearing. Please address all further inquiries to the Regional Director.

As for the contention that IATSE failed to provide the Employer with the information requested in Item 14, of the Employer's information request, the investigation established that pursuant to its August 4, 2016 response, the Union expressly sought an accommodation to the information requested in Item 14. However, the evidence from the investigation fails to demonstrate that the Employer replied to the IATSE accommodation request.

The remaining portions on appeal are denied substantially for the reasons set forth in the Regional Director's letter of October 31, 2017. With regards to your appeal from the dismissal of the charge against IATSE Local 871 (Local 871), the Charging Party has presented no new evidence or arguments not previously considered.

Accordingly, the Region's decision to dismiss the above aspect of the charge was appropriate.

Sincerely,

Peter Barr Robb
General Counsel



By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: MORI RUBIN, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
11500 W OLYMPIC BLVD STE 600
LOS ANGELES, CA 90064-1753

MICHAEL MILLER
INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES
10045 RIVERSIDE DR
TOLUCA, CA 91502-2543

LESLIE SIMON
BUSINESS REPRESENTATIVE
IATSE, LOCAL 871
4011 W MAGNOLIA BLVD
BURBANK, CA 91505-2833

RADICAL MEDIA, LLC
435 HUDSON ST
NEW YORK, NY 10014

MINAL KHAN, ESQ.
BARNES & THORNBURG LLP
2029 CENTURY PARK E STE 300
LOS ANGELES, CA 90067-2904

JACOB J. WHITE
WEST COAST COUNSEL
INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES
10045 RIVERSIDE DR
TOLUCA LAKE, CA 91602-2543

CATHY SHANNON
RADICAL MEDIA, LLC
1620 12TH ST
SANTA MONICA, CA 90404-3710

kf



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

October 31, 2018

SCOTT J. WITLIN, ESQ.
BARNES & THORNBURG LLP
2029 CENTURY PARK EAST
STE 300
LOS ANGELES, CA 90067

Re: International Alliance of Theatrical Stage
Employees & IATSE Local 871
(Radical Media, LLC)
Case 31-CB-201581

Dear Mr. Witlin:

By letter dated June 5, 2018, a portion of the appeal in this matter was sustained. I have decided to revoke the decision to sustain the appeal. Specifically, we concluded that the International Alliance of Theatrical Stage Employees (IATSE) arguably violated Section 8(b)(3) of the Act by failing to provide Radical Media, LLC (Employer) with information requested in Item 4 of the Employer's January 22, 2016 and June 9, 2017 requests for information. Upon further review of this matter, I have decided that there was no violation of the Act with respect to Item 4 as the Employer failed to establish the relevancy of the information requested.

Accordingly, the decision to sustain the appeal is revoked and the appeal is now dismissed in its entirety. This decision does not impact the portions of the charge not on appeal which remain pending before the Region.

Sincerely,

Peter Barr Robb
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld". The signature is written in a cursive, flowing style.

By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
11500 W OLYMPIC BLVD STE 600
LOS ANGELES, CA 90064-1753

LESLIE SIMON
BUSINESS REPRESENTATIVE
IATSE, LOCAL 871
4011 W MAGNOLIA BLVD
BURBANK, CA 91505-2833

MICHAEL MILLER
INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES
10045 RIVERSIDE DR
TOLUCA, CA 91502-

CATHY SHANNON
RADICAL MEDIA, LLC
1620 12TH ST
SANTA MONICA, CA 90404-3710

JACOB J. WHITE. ESQ.
WEST COAST COUNSEL
INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES
10045 RIVERSIDE DR
TOLUCA LAKE, CA 91602-2543

MINAL KHAN, ESQ.
BARNES & THORNBURG LLP
2029 CENTURY PARK E STE 300
LOS ANGELES, CA 90067-2904

RADICAL MEDIA, LLC
435 HUDON ST
NEW YORK, NY 10014

cl



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Suite 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

November 30, 2018

Jacob J. White, West Coast Counsel
Int'l Alliance of Theatrical Stage Employees
10045 Riverside Drive
Toluca Lake, CA 91602-2543

Leslie Simon, Business Representative
IATSE, Local 871
4011 West Magnolia Blvd
Burbank, CA 91505-2833

Re: International Alliance of Theatrical
Stage Employees & IATSE Local 871
(Radical Media, LLC)
Case 31-CB-201581

Dear Mr. White, Ms. Simon:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is fluid and cursive.

MORI RUBIN
Regional Director

cc: Michael Miller
Int'l Alliance of Theatrical Stage Employees
10045 Riverside Drive
Toluca, CA 91502

Cathy Shannon
Radical Media, LLC
1620 - 12th Street
Santa Monica, CA 90404-3710

Radical Media, LLC
435 Hudson Street
New York, NY 10014

International Alliance of Theatrical
Stage Employees & IATSE Local 871
(Radical Media, LLC)
Case 31-CB-201581

- 2 -

November 30, 2018

cc: Scott J. Witlin, Attorney at Law
Barnes & Thornburg LLP
2029 Century Park East, Suite 300
Los Angeles, CA 90067

Minal Khan, Attorney
Barnes & Thornburg LLP
2029 Century Park East, Suite 300
Los Angeles, CA 90067-2904